

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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| JEAN WILLIAMS, |) | |
| |) | |
| Plaintiff |) | Civil Action No. 3:16-cv-30179 |
| |) | |
| v. |) | |
| |) | |
| CITY OF SPRINGFIELD DEPARTMENT OF |) | |
| PUBLIC WORKS, |) | |
| |) | |
| Defendant |) | |
| |) | |

**DEFENDANT'S STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF ITS
MOTION FOR SUMMARY JUDGMENT ON COUNTS I AND II (LOCAL RULE
56.1).**

1. Along with other responsibilities, the City of Springfield Department of Public Works (“DPW”) is charged with removing snow from the City’s streets and roads. *Affidavit of Vincent DeSantis, III, Exh. A, p. 1-3.* As part of its snow removal program, the Springfield DPW has a snow route inspection program that employs snow inspectors to inspect city streets after snow storms to review the conditions of the streets and the progress of snow plows. *Plaintiff’s Complaint, Exh. B, ¶5 and ¶7. 2.*
2. The City streets are divided into 15-20 snow routes, and each snow route has a primary and alternate, a/k/a back-up, a/k/a secondary, a/k/a spare, snow inspector. *Deposition of John Rooney, Exh. C, p. 32, 50.*
3. The DPW snow removal program includes the use of DPW trucks, plows, and sanders to remove snow from the City’s streets and roads as well as contracted hired plows. *Snow Inspector Posting, 9/19/12, Exh. D.*

4. The Plaintiff, Jean Williams (“Williams”), is a current City of Springfield employee who works for the Department of Public Works (DPW). *Exh. B, ¶3.* Plaintiff has worked for the City of Springfield since 1991. *Exh. B, ¶3.* While employed at the Springfield DPW, Plaintiff has always worked as an administrative employee. *Exh. B, ¶3.* Plaintiff has brought the within action alleging that she was placed on a list of people who worked as “snow inspectors” for the City in 2012-2013 and later removed from the list of snow inspectors and that such removal was improperly motivated by sexual discrimination. *Exh. B, ¶22-24, 26-28.*
5. Plaintiff’s work as a “snow inspector” was in addition to her normal duties as an administrative staff member at DPW, and she was paid additional remuneration when she worked as a snow inspector. *Deposition of Jean Williams, Exh. E, p. 129.*
6. Plaintiff continues to be employed by the City of Springfield DPW as a Senior Clerk Typist. *Exh. E, p. 35.*
7. As part of the snow removal program, the City of Springfield Department of Public Works utilizes snow inspectors, which are an integral feature of snow removal and plowing. The function of a snow inspector is to assess the roads and coordinate conditions conducive to effective plowing, which includes ensuring the roads are safe and clear of cars and passable as soon as possible for any emergency vehicles (i.e. police, fire, ambulance). Snow inspectors are called to Tapley Street, Springfield, Massachusetts a half hour before the plows and trucks are deployed. If an emergency exists, snow inspectors manage the remediation of the emergency situation. Snow inspectors coordinate on an on-going basis with police, private citizens, plow drivers and DPW employees to ensure effective and efficient removal of snow and ice from the city streets.

Snow inspectors assign city equipment and contracted plows to routes, track and report progress of assigned equipment and contracted plows, log the start and end time of plow drivers, ensure contracted plows stay on their route, and inspect snow routes for proper removal of snow from city streets. Snow inspectors often diffuse difficult situations with individuals frustrated and angry about snow removal activities, such as the removal or towing of cars. Snow inspectors typically work until the snow is cleared or 16 hours, whichever first occurs. Snow inspectors call the plows and trucks to first plow the main arteries of the City streets, before plowing the side streets. *Exh. A, p.2-3.*

8. There are two tiers of snow inspectors: primary snow inspectors and alternate or back-up snow inspectors. *Exh. A, p.2-3.*
9. Each primary snow inspector is assigned to a specific route. *Exh. A, p.2-3.*
10. In a winter storm, Vincent DeSantis made the decision to plow the streets by notifying the information technology (IT) department to send out an automated telephone call to all primary snow inspectors. In the event a primary snow inspector is not available, DeSantis or Assistant Deputy Director Steve Beem, calls a back-up snow inspector to complete the snow route. *Exh. A, p.2-3.*
11. Primary snow inspectors typically do not work for more than 16 hours in one day. If plowing operations last longer than 16 hours, back-up snow inspectors are required to continue working the storm. *Exh. A, p. 3.*
12. The knowledge, skills, and abilities required to serve as a snow inspector include: ability to safely drive on snow/ice covered roads; ability to read a map; ability to communicate verbally with vendors, snow control, and city residents; ability to log resident's complaints both through written logs as well as electronically; knowledge of the use of

equipment and materials commonly used in municipal snow removal operation; and ability to understand and apply the laws, rules, regulations, policies, procedures, standards, guidelines and specifications governing assigned activities. *Exh. D.*

13. Prior to 2012, foremen of the DPW were responsible for snow inspections as part of their job duties. *Exh. C, p. 16.* To be primary snow inspectors, foremen had to work as backup inspectors for three-four prior snow seasons. *Exh. C, p. 32, 50.* The snow route inspector title did not exist between 2010 and 2012. *Exh. C, p.12.* During this time, the responsibilities of snow route inspection were predominantly completed by the members of the DPW's foremen's union and engineering union, including individuals who held the position of foremen intermittently. *Exh. C, p. 12-17.*
14. Due to loss of foremen, in the middle of the 2011- 2012 snow season, the DPW began seeking additional workers to fill snow route inspector duties. *Exh. C, p. 86.* However, the snow route inspector title did not exist. *Exh. C, p. 103.* In the 2011-2012 snow season, instead of being designated as "snow inspectors," individuals from different departments, other than the DPW, performing the snow inspector function carried over their titles and rates from other departments when performing snow inspection for the DPW. *Exh. C, p. 103-104.* The individuals, including non-DPW employees, who expressed interest in performing the snow inspection functions, were placed on a list. *Exh. C, p. 103-104.*
15. Everyone who applied was placed on the list in some capacity, either as a primary or secondary snow inspector. *Exh. C, p. 103-104.*
16. To become a snow inspector, each individual had to be trained and only 20 trainees could be trained at one time. *Exh. C, p.103-104.*

17. New trainees from different departments were paid more than the DPW foremen prior to 2012. *Exh. C, p. 103-104.* The training consisted of trainees driving with a primary snow inspector during a snowstorm. *Exh. A, p. 4.*
18. Trainees were paired with an experienced snow inspector for a minimum of three storms. *Exh. A, p. 4.* By the fourth storm, a trainee should have the skills and capability to perform snow inspection on their own. *Exh. A, p. 4.* “However, trainees did not always acquire the adequate skills to go out on their own after three snow storms.” *Exh. A, p. 4.*
19. In snow season 2012-2013, a snow inspector job description was created by the DPW in conjunction with the Human Resources Department of the City of Springfield, to solicit 40 additional snow inspectors, 20 primary and 20 secondary or back-up inspectors. *Exh. C, p. 91-94.* At this time, there were 20 snow routes. *Exh. C, p. 91-94.*
20. Additional snow inspectors were necessary because DPW members were insufficient to cover the position. *Exh. C, p. 16.*
21. The creation of a snow inspector position was intended to bring uniformity of pay for people performing the function of snow inspector and to find candidates for secondary snow inspector positions. *Exh. C, p. 99-100.*
22. The new position of snow inspector had a set hourly rate of \$25.00/hour. *Exh. C, p. 100.*
23. The inspectors designated as “primary” inspectors worked as snow inspectors for each snow storm in their designated section of the city. *Exh. A, p.3.* If there are not enough primary inspectors available, one or more inspectors from the secondary list may be utilized. *Exh. A, p. 3.*
24. When significant accumulation is forecast, the primary inspectors are called in through an automated telephone process about one-half hour prior to the plows being deployed.

Exh. A, p.3. If a primary inspector is not available, a back-up inspector will be notified to complete the primary inspector's snow route. The inspectors then report to the DPW.

Exh. A, p. 3. If the snow event is so significant that the streets are not cleared during the primary inspectors' shifts, DPW turns to the secondary list. *Exh. A, p. 3.* Those on the secondary inspector list are notified by the Deputy Director or the Assistant Deputy Director of the DPW in the event that they are needed. *Exh. A, p. 3.* They then are deployed based upon the need at that time. *Exh. A, p. 3.*

25. During the time that the position of snow inspector was posted, i.e. winter 2012-13 and 2013-14, those already performing the function of snow inspection did not have to reapply with the exception of one employee who was confused about the process. *Exh. C, p. 92.* Other applicants could apply by orally expressing interest with the Deputy Director of the DPW or by writing or email. *Exh. C, p. 83.* Non-DPW applicants applied via email or by a written request. *Exh. C, p. 83.* Non-DPW employees could be selected as primary snow inspectors based on comparable job responsibilities. *Exh. C, p. 100-101.* Then Deputy Director of the DPW, John Rooney, determined who was or was not selected but he placed all who applied on the list. *Exh. C, p.100-101.*

26. In 2013, Vincent DeSantis assumed the position of the Director of Operations for the DPW. *Deposition of Vincent DeSantis, III, Exh. F, p. 16.* In the 2013-2014 snow season, Vincent DeSantis used those listed as snow inspectors from the previous year. *Exh. A, p. 4.*

27. The Snow Inspector Program hiring process was disbanded following the 2013-2014 snow season. *Exh. C, p.103.* The hiring process was discarded following the 2013-2014 snow season because the DPW was receiving applicants for the snow inspector position

from outside their department who lacked the basic skills and knowledge of snow removal and Springfield streets. *Exh. F, p. 69.* With an average of six snow storms that require plowing per season, the DPW could not train all of the new applicants; therefore, the DPW ceased the hiring process. *Exh. A p. 4.*

28. During the 2013-2014 snow season, Deputy Director of the Springfield DPW, Vincent DeSantis, used all of the snow inspectors from the previous year to assess and evaluate the program. *Exh. A, p. 5.*

29. In snow season 2014-2015, Deputy Director DeSantis began implementing changes. *Exh. A, p. 5.*

30. Deputy Director DeSantis was trying to obtain DPW employees with a certain knowledge base to fill snow inspector positions and specifically people who: know the roads, deal with vendors and contractors, deal with complaints and deal with resident complaints. *Exh. F, p. 174.* Once sufficient employees had been hired, Deputy Director DeSantis had the snow inspector functions performed by foremen, working foremen, and code enforcement employees, since they know the streets better than anyone and dealt with irate people on a daily basis. *Exh. F, p. 174.*

31. After assuming his position in 2013, Deputy Director DeSantis did not change the job description of snow inspectors to reflect the changes in knowledge and skill base. *Exh. A, p. 3-4.*

32. He did change the job description for DPW foremen to indicate that foremen, as part of their job responsibilities, would be snow inspectors. *Exh. F, p. 175.* Deputy Director DeSantis brought in four snow inspectors: Edward Williamson, a Solid Waste Foreman; Connor Knightly, a Grade III engineer; Luca Mineo, a Grade III engineer; and Tyrone

Holt, a civil engineer, all employees of the DPW who had the qualifications necessary to be snow inspectors. *Exh. F, p. 176-177, Affidavit of Chris Cignoli, Exh. G, p. 2-3.*

33. Plaintiff has been employed as a clerk by the DPW since 1991. *Exh. B, ¶3.*
34. The Plaintiff applied for the snow inspector position on October 25, 2012. *Exh. E, p. 126.*
35. Plaintiff was subsequently placed on a list as a secondary snow inspector. *Exh. B, ¶16.*
36. In 2012, then Deputy Director of the DPW John Rooney paired the Plaintiff with an experienced snow inspector, George Laroe, for training since they knew each other and had worked together previously. *Exh. C, p. 123.*
37. Plaintiff was listed as the alternate snow inspector for George Laroe in 2013. *Id at 125.* During the 2012-2013 snow season, Plaintiff trained with George Laroe 3-4 times. *Exh. E, p. 146.*
38. During the training, Plaintiff drove once. *Exh. E, p. 147.*
39. There were concerns about Plaintiff's performance as a snow inspector. *Exh. C, p. 127-128.* George Laroe had complaints about the Plaintiff, citing that she was not doing a very good job and "was not getting it." *Exh. C, p. 127-128.*
40. George Laroe trained Plaintiff at least twice, but asked not to do it the second time. *Id.*
41. Plaintiff also drove with Sheila Delgado, another trainee. *Exh. C, p. 127-128.*
42. In 2013, Plaintiff responded to another posting by the DPW and again applied to work as a snow inspector. *Exh. B, ¶11.* On December 12, 2013, Plaintiff was assigned as a secondary inspector to George Laroe. *Exh. B, ¶15.*

43. When Deputy Director DeSantis inquired from George Laroe about Plaintiff's performance, Mr. Laroe expressed complaints, stating that Plaintiff was not doing what she needed to and did not care much about what was happening. *Exh. F, p. 136.*
44. Plaintiff went out with Laroe twice during the 2013-2014 snow season, on January 3, 2014 and February 14, 2014. *Exh. F, p. 171.*
45. On February 14, 2014, there was a double storm and Plaintiff performed snow inspection on her own. *Exh. F, p. 171.*
46. After Plaintiff reported her route complete and signed out the trucks, DeSantis reviewed her section and found it to be a "disaster." He had to send out other employees to Plaintiff's section to avoid complaints. *Exh. F, p.172-174.*
47. Deputy Director DeSantis personally removed Plaintiff from the backup snow inspector list in snow season 2015-2016. *Exh. F, p.140.*
48. Including the Plaintiff, Deputy Director DeSantis removed a total of 34 individuals from the snow inspection list after he updated the criteria for snow inspection. *Exh. A, p. 5-7.*
49. Of the 34 potential snow inspectors removed, 32 were men and two were women. The individuals removed from the list included: Luis Astacio, Kevin Bergdoll, Bob Bernard, Ed Brush, Mike Cass, Eamon Collins, Dearing, B., Philip Dromey, Kerry Hotling, Angel LaSanta, Jason Mann, Thomas McCall, Bill Pianka, R. Prout, George Rooney, Peter Shumway, Jean Williams, Darren Charizio, John Cirelli, David Cotter, Scott Donelon and Mark E. Hebert, Ruben Arroyo, Kris E. Brown, Francis Connors, Robert Day, Sheila Delgado, George LaRoe, Rudolph R. LaRosa, Michael McNulty, Ed Mercure, Al Pellerin, Wes Pickney and Charles Sumares. *Exh. A, p. 5-8.*

Respectfully submitted,

The Defendant,
City of Springfield Department of Public
Works

Dated: August 3, 2018

By: /s/ Kathleen E. Sheehan

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true copy of the within Defendant, City of Springfield Department of Public Works, Motion for Summary Judgment was this day served upon the parties via the Federal Court's ECF Notice and Delivery System.

Dated: August 3, 2018

/s/ Kathleen E. Sheehan

Kathleen E. Sheehan, Esq.